

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
NOVEMBER 12, 2015

The Cass County Joint Water Resource District met on November 12, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District (by phone); Ken Lougheed, North Cass Water Resource District; Raymond Wolfer, Rush River Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Michelle Anderson, Administrative Assistant; Sean M. Fredricks, Chris McShane, and Lukas Andrud, Attorneys for the Board; Lyndon Pease, Engineer for the Board; Ty Smith, CH2M HILL Engineers, Inc.; Eric Dodds, Tanaya Reitz and Paul Breen, Advanced Engineering and Environmental Services, Inc. (AE2S); Mary Scherling, Cass County Commissioner; Jason Benson, Cass County Engineer; Nathan Boerboom, Division Engineer - Storm Sewer Utilities City of Fargo; Pat Roberts, ProSource Technologies, Inc.; Shawn Bondly, KLJ; Ken Helvey, SRF Consulting Group, Inc.; William A. Hejl, Rush River Water Resource District; Jacob Gust, Raymond Township resident; and David Strand, Amenia resident. Absent was Dan Jacobson; Southeast Cass Water Resource District.

Minutes

It was moved by Manager Lougheed, seconded by Manager Wolfer and unanimously carried to approve the minutes of the October 14, October 22 and November 5, 2015, meetings.

Agenda

It was moved by Manager Lougheed, seconded by Manager Wolfer and unanimously carried to approve the order of the agenda, as presented.

Metro Flood Diversion Project – access update

Chris McShane and Lyndon Pease updated the Board on access issues relating to the Metro Flood Diversion Project. Access is needed for two properties near the Maple River aqueduct and east of the Sheyenne River inlet structure. Phase I cultural resources surveys have been completed in the staging area, at I-29 and along the south embankment area. The Corps of Engineers continues taking soil borings.

Mr. McShane also updated the Board on an appeal filed by Jonathan Garaas.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – appraisal review / approval

It was moved by Manager Olson and seconded by Manager Lougheed to approve the appraisal of OIN #9597 and #9598, with an effective date of September 7, 2015, as just compensation for acquisition of property regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project / In Town Levees Project – relocation benefits

It was moved by Manager Wolfer and seconded by Manager Lougheed to approve the Relocation Payments, as outlined in the letter dated November 9, 2015, regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project – land acquisition

Brief discussion was held on acquisition of a medical hardship property in the staging area needed for the Metro Flood Diversion Project.

It was moved by Manager Olson and seconded by Manager Wolfer to approve an offer to purchase OIN #9777 regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lougheed and seconded by Manager Wolfer to approve an offer to purchase approximately four acres of land from the City of Fargo at \$5.5 per square foot regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Wolfer and seconded by Manager Olson to approve and authorize Chairman Brodshaug to sign the *Purchase Agreement* for OIN #9195 regarding the Mickelson Levee Extension for the Metro Flood Diversion Project and to approve the maximum replacement housing differential payment, not to exceed \$22,500. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lougheed and seconded by Manager Wolfer to approve and authorize Chairman Brodshaug to sign the *Purchase Agreement* for OIN #9126 regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lougheed and seconded by Manager Olson to approve and authorize Chairman Brodshaug to sign the *Purchase Agreement* and the *Replacement Housing Agreement* for OIN #9661 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lougheed and seconded by Manager Wolfer to approve and authorize Chairman Brodshaug to sign the *Purchase Agreement* and *Replacement Housing Agreement* for OIN #9506 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Wolfer and seconded by Manager Olson to approve and authorize Chairman Brodshaug to sign the *Purchase Agreement* and *Replacement Housing Agreement* for OIN #9657 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lougheed and seconded by Manager Wolfer to approve the *Replacement Lot Cost Reimbursement* determined for OIN #9661, #9506, and #9657 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Eric Dodds shared *Land Acquisition Directive* (LAD) 00010 for temporary and permanent easements necessary for the diversion inlet structure, adjacent embankment, diversion channel, and associated road raises and re-alignments.

Tanaya Reitz reviewed the *Land Management Summary*. Fifteen homes are currently under construction in the City of Oxbow. Six homes have been completed and the owners have been relocated. A closing occurred on one commercial property and bids were awarded for demolition. Negotiations continue on several properties for the In Town Levees Project.

It was moved by Manager Lougheed and seconded by Manager Olson to approve and authorize Chairman Brodshaug to sign the *Exchange Agreement* for OIN #1975 and #1985 regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project – Amendment to Memorandum of Understanding between the Diversion Authority and the City of Oxbow

It was moved by Manager Lougheed and seconded by Manager Wolfer to approve and authorize Chairman Brodshaug to sign the *Amendment to Memorandum of Understanding* between the Diversion Authority and the City of Oxbow regarding the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project – property management

It was moved by Manager Lougheed and seconded by Manager Olson to approve and authorize Chairman Brodshaug to sign an agreement with Sentry Security, Inc. for security services for OIN #9777 regarding the In Town Levees Project. Upon roll call vote, the motion carried unanimously.

Demolition work relating to the In Town Levees Project was discussed.

Assessment District – Jonathan Garaas appeal of creation of FM Flood Risk Management District No. 1

Sean Fredricks and Chris McShane reported the hearing on the Motion to Dismiss regarding Jonathan Garaas' appeal of FM Flood Risk Management District No. 1 was

held in Grand Forks County District Court in front of Judge Kleven on October 30, 2015. The motion was procedural and a decision will be made in approximately two weeks.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project - project updates

Sean Fredricks reported a Summary Judgment hearing is scheduled to be heard in U. S. District Court in front of Judge John R. Tunheim on November 16, 2015, in Minneapolis, Minnesota. Members from the Diversion Authority and the Technical Advisory Team will be attending the hearing.

It was moved by Manager Lougheed and seconded by Manager Wolfer to approve payment to reimburse Oxbow Golf and Country Club in the amount of \$100,000 for the acquisition of real property necessary to construct a cart path joining newly built and current golf holes regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lougheed and seconded by Manager Wolfer to approve payment to reimburse Oxbow Golf and Country Club in the amount of \$936,633.51 for engineering, construction, and maintenance services regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Eric Dodds discussed a proposed Task Order Amendment regarding property acquisition services for the Metro Flood Diversion Project. Mr. Dodds reported the Technical Advisory Team approved utilizing different software for document retention for the Metro Flood Diversion Project.

Metro Flood Diversion Project / In Town Levees Project – Memorandum of Understanding with Red River Valley S.W.A.T.

Mr. Fredricks explained that Red River Valley S.W.A.T. would like to do training exercises on properties acquired by the Cass County Joint Water Resource District for flood protection measures.

It was moved by Manager Olson and seconded by Manager Lougheed to approve and authorize Chairman Brodshaug to sign the *Memorandum of Understanding* between Red River Valley S.W.A.T. and the Cass County Joint Water Resource District. Upon roll call vote, the motion carried unanimously.

Reimbursement request #20 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020

It was moved by Manager Lougheed and seconded by Manager Olson to approve and authorize the Secretary-Treasurer to review and sign reimbursement request #20 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Olson and seconded by Manager Wolfer to approve the payment of Checks #12337 through #12365, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Lougheed, and Wolfer. Manager Jacobson was absent. The Chairman declared the motion passed.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Wolfer, seconded by Manager Lougheed and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer